

LEGISLATIVE WATER DEVELOPMENT COMMISSION SUNSET**AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill addresses the Legislative Water Development Commission.

Highlighted Provisions:

This bill:

- ▶ extends the sunset date of the Legislative Water Development Commission;
- ▶ corrects references to the name of the commission to be the Legislative Water Development Commission;
- ▶ addresses appointment of nonvoting members of the commission;
- ▶ repeals reference to river districts and a 2016 report; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

63I-1-273, as last amended by Laws of Utah 2019, Chapters 96 and 246

73-10g-105, as last amended by Laws of Utah 2019, Chapter 246

73-27-102, as last amended by Laws of Utah 2017, Chapter 477

73-27-103, as last amended by Laws of Utah 2018, Chapter 418

REPEALS:

73-27-101, as enacted by Laws of Utah 2000, Chapter 124

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63I-1-273** is amended to read:

63I-1-273. Repeal dates, Title 73.

In relation to the Legislative Water Development Commission, on January 1, [2021]

_____:

(1) in Subsection 73-10g-105(3), the language that states "and in consultation with the [State] Legislative Water Development Commission created in Section 73-27-102" is repealed;

(2) Subsection 73-10g-203(4)(a) is repealed; and

(3) Title 73, Chapter 27, [State] Legislative Water Development Commission, is repealed.

Section 2. Section **73-10g-105** is amended to read:

73-10g-105. Loans -- Rulemaking.

(1) (a) The division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to repair, replace, or improve underfunded federal water infrastructure projects.

(b) Subject to Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act, the division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to develop the state's undeveloped share of the Bear and Colorado rivers.

(2) The rules described in Subsection (1) shall:

(a) specify the amount of money that may be loaned;

(b) specify the criteria the division and the board shall consider in prioritizing and awarding loans;

(c) specify the minimum qualifications for ~~[an individual who, or entity that, receives]~~ a person to receive a loan, including the amount of cost-sharing to be the responsibility of the ~~[individual or entity]~~ person applying for a loan;

(d) specify the terms of the loan, including the terms of repayment; and

(e) require ~~[all applicants]~~ an applicant for a loan to apply on forms provided by the division and in a manner required by the division.

(3) The division and the board shall, in making the rules described in Subsection (1) and in consultation with the [State] Legislative Water Development Commission created in Section 73-27-102:

(a) establish criteria for better water data and data reporting;

- (b) establish new conservation targets based on the data described in Subsection (3)(a);
- (c) institute a process for the independent verification of the data described in Subsection (3)(a);
- (d) establish a plan for an independent review of:
- (i) the proposed construction plan for an applicant's qualifying water infrastructure project; and
- (ii) the applicant's plan to repay the loan for the construction of the proposed water infrastructure project;
- (e) invite and recommend public involvement; and
- (f) set appropriate financing and repayment terms.

(4) The division and the board shall provide regular updates to the Legislative Management Committee on the progress made under this section, including whether the division and board intend to issue a request for proposals.

Section 3. Section **73-27-102** is amended to read:

73-27-102. Legislative Water Development Commission created.

(1) The Legislative Water Development Commission is created to determine the state's role in the protection, conservation, and development of the state's water resources.

(2) (a) The commission membership shall include:

~~[(a)]~~ (i) five members of the Senate, appointed by the president of the Senate, no more than four of whom may be from the same political party;

~~[(b)]~~ (ii) eight members of the House of Representatives, appointed by the speaker of the House of Representatives, no more than six of whom may be from the same political party; and

~~[(c)]~~ (iii) subject to Subsections (2)(b) and (c), nonvoting members, appointed by the Legislative Management Committee, ~~[upon recommendation]~~ from a list recommended by the cochairs of the commission described in Subsection (5).

(b) If the Legislative Management Committee chooses to not appoint an individual on the list described in Subsection (2)(a)(iii), the Legislative Management Committee may ask the cochairs of the commission to submit an additional list of recommendations.

(c) The Legislative Management Committee may not appoint an individual who is not recommended by the cochairs of the commission.

(3) (a) The members appointed by the Legislative Management Committee under Subsection (2)~~[(c)]~~(a)(iii) shall be appointed or reappointed to a two-year term.

(b) When a vacancy occurs in the membership for any reason, the Legislative Management Committee, in consultation with the cochair of the commission, shall appoint a replacement for the unexpired term.

(4) The president of the Senate and the speaker of the House of Representatives shall, to the extent possible, appoint members under Subsections (2)(a)(i) and ~~[(b)]~~ (ii) that represent both rural and urban areas of the state.

(5) (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a)(i) as a cochair of the commission.

(b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)~~[(b)]~~(a)(ii) as a cochair of the commission.

(6) Attendance by at least 50% of one legislative house and more than 50% of the other legislative house constitutes a quorum.

(7) (a) Compensation and expenses of a member of the commission who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(b) Commission members who are employees of the state shall receive no additional compensation.

(c) Other commission members shall receive no compensation or expenses for their service on the commission.

(8) The Office of Legislative Research and General Counsel shall provide staff support to the commission.

Section 4. Section **73-27-103** is amended to read:

73-27-103. Duties of commission.

(1) The commission shall consider and make recommendations to the Legislature and governor on the following issues:

(a) how the water needs of the state's growing municipal and industrial sectors will be met;

(b) what the impact of federal regulations and legislation will be on the ability of the state to manage and develop its compacted water rights;

125 (c) how the state will fund water projects;
126 (d) whether the state should become an owner and operator of water projects;
127 (e) how the state will encourage the implementation of water conservation programs;
128 and
129 (f) other water issues of statewide importance.
130 (2) The commission shall~~[(a)]~~ consult with the Division of Water Resources and the
131 Board of Water Resources regarding:
132 ~~[(i)]~~ (a) recommendations for rules, criteria, targets, processes, and plans described in
133 Subsection 73-10g-105(3); and
134 ~~[(ii)]~~ (b) the scope of any request for proposals that may be issued by the Division of
135 Water Resources and Board of Water Resources to assist in creating the rules, criteria, targets,
136 processes, and plans described in Subsection 73-10g-105(3)~~[, and]~~.
137 ~~[(b)] report the recommendations described in Subsection (2)(a) to the Natural~~
138 ~~Resources, Agriculture, and Environment Interim Committee and the Legislative Management~~
139 ~~Committee by October 30, 2016.]~~
140 (3) The commission may:
141 (a) form one or more working groups from the membership of the commission to
142 consider and study the issues described in this section; and
143 (b) meet up to six times per calendar year without approval from the Legislative
144 Management Committee.
145 Section 5. **Repealer.**
146 This bill repeals:
147 Section **73-27-101, River districts.**